

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

----- X
AULISTAR MARK, HANCHEN LU and :
ANDREW HUDSON, Individually and on Behalf of :
All Others Similarly Situated, :
:
Plaintiffs, : Civil Action No. 1:13-cv-04347-AJN
-against- :
:
GAWKER MEDIA LLC, and NICK DENTON, :
:
Defendants. :
----- X

AFFIDAVIT OF ANNALEE NEWITZ

ANNALEE NEWITZ declares, pursuant to 28 U.S.C. § 1746, that the following is true and correct:

1. I am of legal age and am competent to make this Declaration. I have personal knowledge of the facts sets forth in this Declaration, or I have learned said facts to speak on behalf of Gawker Media, LLC.

2. I am currently the Editor-In-Chief (“EIC”) of io9.com, Gawker Media, LLC’s (“Gawker’s”) website that covers science, science fiction, and the future. I work out of San Francisco and remotely manage the editors of the site. I was the EIC of io9 at the time Andrew Hudson was an intern.

3. We advertised internship positions by putting a post, which I would write, on the io9 website about twice a year. The post would note that we were looking for a few people interested in entertainment or science and instructed them to send us their resume and writing samples. I would then review all of the submissions and give the relevant editors resumes of the individuals I felt would be the best fit to work with them.

For Meredith Woerner, io9's Entertainment Editor, I also made sure to specially tag those candidates who were based in New York, since Meredith worked in Gawker's New York office. I specifically recall that I looked at Andrew's resume and told Meredith he seemed worth talking to since he was a New York writer and interested in pop culture. Meredith would then select the top three or four applicants to be interviewed. If we were seeking an intern to assist with entertainment content, Charlie Jane Anders, currently io9's Managing Editor, interviewed them. If we were seeking an intern for science content, I would interview them. We always received a huge response to any post for interns, so there was a large amount sifting through applicants to be done.

4. At any given time we would have between zero and four interns, but usually around three or four.

5. There was no strict policy requiring interns take the internship for credit, but io9 preferred to have interns receive academic credit. Most interns found very good jobs in the industry after the internship, including at io9.

6. The intern schedule at io9 was fixed, and we required the interns to contribute at least ten hours per week. For eight hours they had to be available during working hours, either in the office or online to converse with their supervising editor. For the other two hours, they could write at their own pace and schedule.

7. The io9 internships were also fixed in length. When we selected the intern, we would negotiate the length of the internship from the start, depending on the interns' preferences. The internships usually lasted between six months and one year.

8. io9 interns received formal training. Since all of the interns I worked with were remote, I created several training documents for them that contained detailed

instructions on topics such as how to craft a posting and how to write in the io9 style. To train the interns, I broke down the different skills of a reporter into to the nuts and bolts. My ultimate goal was for every intern to begin by conducting research and eventually work their way up to writing posts. At first, the interns worked with an editor to conduct research so that the editor could incorporate the research when writing a post. Interns also read posts on the site to understand the io9 tone. I then asked interns to start pitching me story ideas and would finally move on to writing posts. Depending on the intern, I often recommended that they study some books on science writing. Two books that I recall recommending were *The Science Writers' Handbook: Everything You Need To Know to Pitch, Publish and Prosper in the Digital Age* and *A Field Guide for Science Writers: The Official Guide of the National Association of Science Writers*. By the end of the internship I hoped every intern learned enough so they could produce an article that was pretty much ready for publication.

9. Interns, unlike the editorial staff, were never supposed to post an article to the site without prior review by their supervisor. It was my policy that all intern content must be reviewed by a supervisor prior to posting it, and that appeared as a rule in our training documents. The review process was interactive. I would instruct the interns to save their draft of an article labeled as a “draft” in the publishing system, GED. It was a shared document that editors and interns both had access to, and we would work in that document together. I would put in comments and they would improve the piece. I would do a final review of the article, and after I was satisfied with it, I would post it on the site. Also, the interns have always been encouraged to interact with the commenters on the

website, and though it was not a required part of their internship, it helped them learn how the commenting system works.

10. Interns have never replaced paid employees. We have the same number of paid employees regardless of whether we have any interns at all.

11. I have given many references for former interns.

12. There was never an explicit promise of a full time job with Gawker after the end of an internship at io9. When I interviewed applicants on the phone, I know I have mentioned that we have hired from the intern pool in the past, but it was always made clear that a job at io9 was not guaranteed.

13. I made a lot of effort and took up a significant amount of my time to make the internship worthwhile. I gave interns a lot of feedback and helped them to craft posts that met io9's standards. We would chat on an instant messaging system and on the phone and exchange emails to discuss what they were working on. It definitely took a lot of my time to train them in this way, which is what I believe makes the internship valuable. The interns received individual training and help from experienced writers and editors. Granted, some interns needed more help, and therefore took up more of my time, than others. My goal for all of the interns was to make sure they had stories they could be proud of.

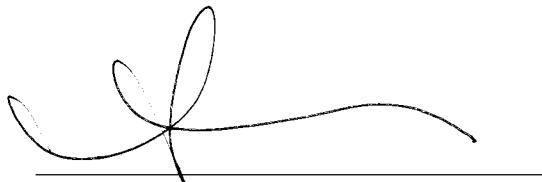
14. Most of our interns found very good jobs in the industry, and I believe that many of those jobs were a direct result of their io9 internship.

15. I had very minimal interaction with Andrew. I do recall at one point Meredith complained that Andrew was not contributing in a positive way. The main interaction I had with Andrew involved a terrible post he put up on the site without editor

review or permission. The post was so bad I could immediately tell it was not properly edited before being posted. The subject matter of the post was in my area of expertise, so if it had gone through the correct editing process I definitely would have been the person to edit it.

I declare under the penalty of perjury under the laws of the State of New York and the United States of America that the foregoing is true and correct.

Executed this 10 day of January, 2014 in San Francisco, CA.

A handwritten signature in black ink, appearing to read "ANNALEE NEWITZ", is written over a horizontal line.

ANNALEE NEWITZ